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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,001	12/15/2003	John D. Richter	14012-053001/50-03-034	2963
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MINNEAPOLIS, MN 55440-1022				
EXAMINER				
COLAN, GIOVANNA B				
ART UNIT		PAPER NUMBER		
2162				
MAIL DATE		DELIVERY MODE		
05/09/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,001

Applicant(s)

RICHTER, JOHN D.

Examiner

GIOVANNA COLAN

Art Unit

2162

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 and 17-23 is/are allowed.
- 6) ☒ Claim(s) 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CIS)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 12/15/2003

DETAILED ACTION

1. This action is issued in response to the Pre-Appeal conference decision dated 02/28/2008.
2. No claims were amended. No claims were canceled. No claims were added.
3. Claim 16 is pending in this application. Claim 16 would be allowable upon overcoming the 35 U.S.C. 112, second paragraph rejection.
4. Claims 1 – 15, and 17 – 23 are allowed.

Response to Arguments

5. Applicant's arguments, filed 02/28/2008, with respect to claims 1 – 15, and 17 – 23 have been fully considered and are persuasive. The 35 USC 103(a) rejections included in the Office Action dated 11/15/2007 of 1 – 15, and 17 – 23 has been withdrawn.

Information Disclosure Statement

6. The information disclosure statement (IDS) was submitted on 12/15/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 16 recites the limitation "wherein detecting a user request...comprises" in lines 1 – 2. There is insufficient antecedent basis for this limitation in the claim.

REASONS FOR ALLOWANCE

10. Claims 1 – 15, and 17 – 23 are allowable in light of the applicant's arguments and in light of the prior art made of record.

Reason for Indicating Allowable Subject Matter

11. The following is an examiner's statement of reasons for allowance: Upon searching a variety of databases, the examiner respectfully submits that "determine previous accessed items and types of access for the application; and developing a role for the application based on the previous accessed items and types of access for the application, wherein when the application is in use by a user, the developed role for the application allows the user database access" in conjunction with all other limitations of the dependent and independent claims are not taught or suggested, or obvious over the prior art of record. Therefore, claims 1 – 15, and 17 – 23 are hereby allowed.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issues fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Points Of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIOVANNA COLAN whose telephone number is (571)272-2752. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Giovanna Colan
Examiner
Art Unit 2162
May 7, 2008

/John Breene/
Supervisory Patent Examiner, Art
Unit 2162

